IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Crl.MC.No. 3803 of 2007()

CC.870/2005 of JUDL. MAGISTRTE OF FIRST CLASS COURT-III, THRISSUR
CRIME NO.681/05 OF OLLUR POLICE STATION

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PETITIONER: ACCUSED

RAVI.M.P., AGED 42 YEARS,
S/O.PADMANABHAN, MANKUZHY HOUSE,
P.O.ANCHERY, THRISSUR.

BY ADV. SRI.P.K.SAJEEV
SRI.M.H.HANIL KUMAR

RESPONDENTS: DEFACTO COMPLAINANT AND STATE

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1. SANDHYA.K.P., AGED 34 YEARS,
W/O.RAVI.M.P., MANKUZHY HOUSE,
P.O.ANCHERY, THRISSUR.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3803 of 2007

Dated this the 19th day of December 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 498A I.P.C. He is the husband of the first respondent. Prosecution has been initiated against the petitioner by the first respondent alleging that he is guilty of matrimonial cruelty. Cognizance has been taken on the basis of final report submitted by the police after due investigation. The case is pending before the Judicial First Class Magistrate Court-III, Thrissur as C.C.No.870/2005. The petitioner and the first respondent have now come before this court to report that they have settled their disputes. The first respondent has compounded the offences allegedly committed against her by the petitioner. The first respondent has entered appearance through counsel. She has filed an affidavit also to confirm such settlement and composition.

2. I am satisfied from the submissions made at the Bar and the joint statement filed by the rival contestants duly countersigned by their respective counsel that the dispute have been settled and the first respondent has compounded the offence allegedly committed by the petitioners. If legally

permissible, I am satisfied that the composition can be accepted and premature termination of the proceedings can be brought about. But the offence under Section 498A I.P.C is not legally compoundable under Section 320 Cr.P.C. The learned counsel for the contestants, in these circumstances, rightly rely on the decision of the Supreme Court in B.S.Joshi vs. State of Haryana [AIR 2003 SC 1386]. That decision is authority for the proposition that the interests of justice may, at times, transcend the interests of mere law and in such circumstances, the stipulations of Section 320 Cr.P.C cannot be held to fetter the sweep, width and amplitude of the extraordinary inherent jurisdiction under Section 482 Cr.P.C. I am satisfied that this is an eminently fit case where the powers under Section 482 Cr.P.C, as explained in the dictum in B.S.Joshi vs. State of Haryana [AIR 2003 SC 1386] can and ought to be invoked and proceedings initiated against the respondents by the petitioner brought to premature termination.

3. In the result, this petition is allowed. C.C No. 870/2005 pending before the Judicial First Class Magistrate Court -III, Thrissur against the petitioner is hereby quashed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007